

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY FEBRUARY 17, 2005, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, City Engineer
Bob Dunckel, Assistant City Attorney
Tony Irvine, City Surveyor
Chris Barton, Planner II
Greg Thornburgh, PBS & Collections Manager
MaryAnn Slough, Recreation Program Coordinator, substituting for Kathy Connor
Tom Terrell, Maintenance Manager

Staff Present:

Ed Udvardy, Manager of General Services
Victor Volpi, Senior Real Estate Officer
Maureen Barnes, Administrative Assistant I
Eileen Furedi, Clerk II
Rafeela Persaud, Word Processing Secretary

Guests Present:

Damon Ricks
Douette Pryce
Kathleen Yonce
Paul Lovesky
Alice Reia
John Dorsey
N.W. Lancone
Joe Handley
Ron Mastriana
Jim Ellis
Tony Law
Robert Fish
Kevin Hart
Joe Holland
Ron Kern
Susan Kern
Robert Lochrie
E. Miranda Lopez'

Peter Partington called the meeting at 10:05 A.M. and stated that this is a Committee with the responsibility of advising the City Commission on matters affecting City property.

ITEM ONE: **APPROVAL OF JANUARY 20, 2005 MINUTES**

MOTION BY MARYANN SLOUGH TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL. MOTION PASSED UNANIMOUSLY.

ITEM TWO: **VACATION OF EASEMENTS, TRACTS A AND B, R.E.B. PLAT**

Address or General Location: 2201 NW 2 Street

Victor Volpi introduced item stating that Flynn Engineering (agent for owner) would like a positive recommendation to vacate the platted and deeded easements, as shown on Exhibit A. He stated that these vacations are sought in order to create a uniform development and all utilities would be abandoned or relocated at the developer's expense. Victor Volpi stated that the R.E.B. Plat had extensive easements and rights-of-way, and vacation was recommended in two other cases. Victor Volpi introduced Damon Ricks from Flynn Engineering.

Bob Dunckel asked for clarification on the vacation of the utility easements as far as north/south and east/west. Bob Dunckel asked if the applicant was looking to vacate 10 feet of the 20-foot easement. Mr. Ricks said no.

Discussion followed as to the exact location of the vacation of the easements requested, the underlying easement on an existing easement lying, the status of the other vacations, the north/south being part of the replatting, project being reviewed by DRC, WaterWorks 2011 and Engineering, and relocation of the active utilities which would be a condition of the vacation.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL. SECONDED BY MARYANN SLOUGH.

Tony Irvine suggested that Flynn Engineering identify all easements that needed to be relocated. Mr. Ricks stated that it was already done.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **VACATION OF EASEMENT, FLAMINGO PARK, SECTION C**

Address or General Location: 1533 SW 22 Avenue

Victor Volpi introduced item stating that the PROW Committee deferred this item at its last meeting because the applicant was not available for questions. He stated that Paul Lovesky (agent for owner) would like a positive recommendation to vacate an easement that a house was constructed over as shown on Exhibit B. Victor Volpi stated that there were no utilities under the easement. Victor Volpi introduced Paul Lovesky.

Discussion followed as to when the house was built and remodeled over the easement, building permits issued, any facilities within the 12-foot easement and any future use for the easement corridor

PROPERTY AND RIGHT-OF-WAY COMMITTEE

February 17, 2005

Page 3

or relocated easement corridor, access to the east/west easement, an easement along the property line, and surveys being abstracted for easements.

Tony Irvine stated that the plat was done by unincorporated Broward County and permits would have gone through Broward County.

Bob Dunckel suggested to defer until it was established if permits were issued for the extensions of the building, and for the applicant to have a plan for the replacement of easement.

MOTION BY BOB DUNCKEL TO TABLE. SECONDED BY TONY IRVINE.

Paul Lovesky asked about the width of the easement to be replaced. Peter Partington stated it was currently 12-feet. Tony Irvine stated that the easement in the rear of the lot and other encroached easements should not be neglected.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: REVISED VACATION – ALLEY BETWEEN NE 32ND AND NE 33RD AVENUE

Address or General Location: alley between NE 32 Avenue and 33 Avenue, just north of Oakland Park Boulevard, and a portion of NE 32 Street, from Oakland Park Boulevard (north bound)

Victor Volpi introduced item stating that at its meeting on November 18, 2004, the Property and Right-of-Way Committee recommended that this item be deferred so that the Attorney's office and the applicant had an opportunity to work out certain details of the vacation requested. He said that at that time, the applicant had requested vacation of the alley between N.E. 32nd Avenue and N.E. 33rd Avenue in Block 2 as a partial vacation with a turnaround. He stated that they now have the cooperation of all property owners and wish to vacate the entire alley and the applicant has submitted new sets of plans, sketches and legal descriptions for the other two vacations. Victor Volpi introduced Robert Lochrie.

Mr. Lochrie explained that they had obtained the properties on the north side of 32nd Street, the properties on the west side of 32nd Avenue and in the block south 32nd Street, between 32nd and 33rd Avenues, they had obtained all properties except for the City's fire station and one out parcel on the southeast corner of the block, known as the Bikini Shop. Mr. Lochrie explained that the project which was comprised of two buildings with retail on the ground floor with lofts above them, a relocation of the fire station which the applicant would rebuild, leaving the out parcel as is. Mr. Lochrie said that the purpose of the alley vacation was to vacate the alley with a turnaround and access easement. Mr. Lochrie explained that they were also requesting to vacate and rededicate 32nd which would be maintained by the developer and would be use as a community park. Mr. Lochrie stated that the relocation of the some parking facilities in the right-of-way to the garage. Mr. Lochrie said that the plans had been improved since the last meeting pertaining to the fire station, the out parcel and the parking structure that went over 32nd.

Mr. Lochrie said that since the acquisition of the Bikini parcel on the southeast corner of the site, the project had been redesigned to add additional retail along 33rd, relocating the fire station with access through the parking garage, and segregated parking for the fire fighters.

PROPERTY AND RIGHT-OF-WAY COMMITTEE

February 17, 2005

Page 4

Bob Dunckel questioned the shaded areas on 32nd and 33rd Avenues. Mr. Lochrie explained that the shaded areas on the map would be pavers. Mr. Lochrie stated that there were meetings with City Planners, Tim Welch, and the City's Attorney Office and there are issues with the dedication, which would probably be widened. Mr. Lochrie explained that vacating the streets would allow them to look at the site as an overall development site and would allow them to relocate the density. Mr. Lochrie stated that they would convey to City a pedestrian/vehicular/utility easement which would give the City all rights and maintenance would be done by the developer.

Peter Partington asked why it was necessary to vacate the street rights-of-way. Mr. Lochrie said that there was the density issue, and so they could be in control of the area and up keep the improvements. He said that after discussions with Planning about how wide the dedication of right of way should be back to the City, it was determined that it would be about 5 feet away from the building, and would give free pedestrian access.

Discussion followed as to the width of a 40-foot right-of-way, in which the minimum width should be 50-feet.

Mr. Lochrie said that the City's code as to dedication of rights-of-way is 50 feet and that was why the vacation is necessary, and the dedication would be for public and vehicular access, and any public utilities in the area. Mr. Lochrie said that they were looking for the technical review to ensure that the access ways would work and there would be sufficient room for traffic ways and utilities.

Peter Partington clarified that the right-of-way would be from 110 feet to below 60-feet right-of-way easement, the narrowness of the right-of-way down to 50 feet, and a total vacation of the alley.

Discussion followed as to the land swap for the new fire station, the evaluation of the new corridors sufficient to serve vehicular/pedestrian/utility access easement, east/west rededication with pavers, obtaining police input, the developer agreement on City gain/loss versus developer gains, and green space issues.

Mr. Lochrie explained the original City's Master Plan for the area which was duplicated by the developer to some degree.

Mr. Holland said that regarding the right-of-way considerations on NE 32nd Avenue where the Master Plan had indicated that on the County Metropolitan Planning Organization list, there is a consideration to widen Oakland Park Boulevard Bridge to 6 lanes and may need for emergency considerations. Mr. Holland stated that a traffic study was done in 1999 and it was indicated that 32nd Avenue needed to be contiguous for north and south thoroughfare and would improve safety.

Ms. Lopez asked if a small boat ramp could be placed, have wider sidewalks at least 8-feet, and to leave room for bike lanes. Ms. Lopez asked for benches and sidewalks to enhance the area, and explained that green space was very important and would highly recommend it.

Bob Dunckel stated that in respect to the narrowing of 32nd Avenue down to 40-feet, when considering 6-lane bridge coupled with wider sidewalks, he did not like the reduction of the right-of-way from 60-feet to 40-feet. Peter Partington agreed that 40-feet would not be enough. Victor Volpi asked about riparian rights. Bob Dunckel said that riparian rights are the public having access to the water and stated that at this time, the quest did not include the public riparian rights.

Tony Irvine stated that he would like to see a master plan before making any decisions about reduction of rights-of-way. Peter Partington said that there would be a shared use park on 33rd Avenue. Bob Dunckel asked if Tony Irvine would need a confirmation regarding the multi-use pathways on 33rd Avenue. Tony Irvine said he would like more information. Peter Partington questioned if the public right-of-way was needed, why was it not kept as right-of-way. Bob Dunckel stated that one of the criteria for a vacation was that it is "no longer needed for public purpose". Peter Partington stated that he did not mind reducing the widths of the right-of-way but if it is being said that we need public access through there then it should be kept as right-of-way with determination as to the minimum width needed for public and future purposes. Bob Dunckel asked Robert Lochrie to explain the reason(s) for a total vacation/rededication process as opposed to a partial vacation.

Mr. Lochrie said that one recommendation from Kathy Connor, after carefully reviewing the plans, was to provide sidewalks along the full south width of the property. Chris Barton said that the DOT expansion/improvement open park bridge should be considered and a 40-foot right-of-way may not be sufficient on 32nd Avenue.

Peter Partington asked what would happen if the proposed public access easements remain as right-of-way. Mr. Lochrie said that they could not get approval for the project. Kevin Hart, from Craven & Thompson, stated that it would affect the ability to build the garage. Chris Barton asked if the length of the garage could be shortened by 10-feet. Mr. Lochrie said that they were encouraged to vacate the right-of-way approximately two years ago. Chris Barton said that they were no mechanisms to transfer developer's rights across public rights-of-way and the only solution was to vacate the right-of-way.

Peter Partington said that there are two issues – (1) the proposed widths and if they are adequate and (2) the status of the public access easement. Chris Barton said that from a design standpoint, it should not be difficult to add 10 more feet to the width.

Bob Dunckel said that this would end up as a partial vacation. He stated that maybe the notion of transfer of development rights should be evaluated and accelerated and a site for development should not cross over right-of-ways and should be reexamined. Tony Irvine asked if the Board of Adjustment could address the transfer of development rights. Bob Dunckel said that the Board has the ability to grant variances and has jurisdiction to consider appeals from interpretations made by the Zoning Administrator.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE VACATION AND REDEDICATION AS PUBLIC ACCESS EASEMENT ON 32ND STREET, THE VACATION OF THE ALLEY, THE VACATION AND REDEDICATION OF NE 32ND AVENUE, WITH THE EXCEPTION THAT NE 32ND AVENUE, FROM THE INTERSECTION WITH NE 32ND STREET, BE NO LESS THAN 50 FEET. SECONDED BY MARYANN SLOUGH.

Yeas: Peter Partington, Bob Dunckel, Greg Thornburg, Tom Terrell, MaryAnn Slough, Chris Barton

Abstain: Tony Irvine

MOTION PASSED

Peter Partington left at 11:25. Mehrdad "Mike" Fayyaz, P.E., Assistant City Engineer took over as Chairman.

ITEM FIVE: **CLOSING OF STREETS, VISTA PARK**

Address or General Location: north and south of Vista Park, just west of Atlantic Boulevard

Victor Volpi introduced item stating that Ron Mastriana, who represents some of the owners of properties adjacent to Vista Park in Lauderdale Beach, would like a positive recommendation to close the dedicated streets on the north and south of Vista Park. He stated that the applicant proposed that the City grant an access easement to the property owner that will be land locked should this street closure be approved. He said that together with the Lauderdale Beach Homeowners Association, they intend to remove the pavement, landscape and construct a walkway to N. Atlantic Boulevard from Center Street. He said that although the Exhibit D shows improvements to the parking lot on the ocean, this proposal does not include these changes at this time. Victor Volpi introduced Ron Mastriana.

Mr. Mastriana stated that the request was to convert streets to green area except for one lane which would be open to individuals to have access to North Atlantic Boulevard. Mr. Mastriana said that they did not want to vacate the streets but convert the pavement to grass. Mr. Mastriana said that Jim Ellis, President of the Homeowners Association, said that their neighborhood has very few parks and would like to increase the green area. Mr. Mastriana said that there were no utilities and it would not affect access. Mr. Mastriana said that there were letters of objection from the neighborhood wherein one of their concerns were safety - by limiting the access of police and fire vehicles.

Discussion followed as to the driveways on the north and south sides, accessibility being affected, getting signed petitions from the homeowners, the State owning the right-of-way of Sunrise Boulevard and A1A, conversations with Parks and Recreation regarding maintenance and irrigation and the Swales Program, right-of-way abandonment, consideration of other designs as to placing pavers, creating pedestrian walkways and bicycle lanes, a water sewer line in the right-of-way, and reduction in the parking if the plan goes through NCIP.

Bob Dunckel said that legally, a right-of-way dedicated as a thoroughfare could not be converted to a park.

Mr. Dorsey, a resident of Vista Park, stated that he had a problem with the procedure of this proposal and felt that it should go through the Road Closure City Ordinance. Bob Dunckel agreed. Mr. Dorsey stated that the one of the requirements of the ordinance is that 65% of the eligible homeowners in the geographic area vote on the proposal and that there is a prescribed petition format. Mr. Dorsey said that he would recommend the Committee recommend to the Commission to place the ordinance in to play and the proper petition be done. Mr. Dorsey questioned the number of homeowners represented and the residents of Sea Tower Condominium building supporting this proposal. Mr. Dorsey said that it would be an important modification to the traffic pattern and access to the beach, and therefore, it should be voted by everyone eligible in the neighborhood.

Mr. Mastriana stated that they would seek the petition from 65% of the property owners.

Mr. Holland stated he was always in support of green space and that visitors found the parking as a huge asset to park to unload equipment. Mr. Holland said that there is very little parking and access to the beach in this area.

Ms. Lopez stated that increased parking spaces would be great.

Ms. Reia, resident at 2901 N. Atlantic Boulevard, said that she was totally opposed to the closing of the parkway and no one had ever approached her regarding the closing. Ms. Reia stated that her main reason for opposition was for safety as far as when and if emergency vehicles needed access. Ms. Reia stated that she was totally opposed to a private driveway going alongside her pool and patio areas. Ms. Reia read the letter she had written to the Commissioner. Ms. Reia stated that there was no need for an extra 10 feet of park area and should leave the streets open.

Mr. Lanceon stated that he has lived in the area since 1988 and supported Ms. Reia's contention 100%. Mr. Lanceon stated that what was being proposed was not needed. Mr. Lanceon explained that access to the beach would be denied and there would be less parking spaces. Mr. Lanceon explained about the dangerous intersection in the area and the problem it would create in walking a dog when dogs are not allowed in a park. Tony Irvine explained that the area would be a green area and not a park.

Ms. Alice Reia stated that she would be the only resident affected by this proposal.

Bob Dunckel asked Mr. Holland about beach access if the Committee voted to close the road off. Mr. Holland said that some of the activities included windsurfing sailing, kayaking, roller-blading, etc. Mr. Holland said that from a traffic standpoint, a turnaround would be needed.

Bob Dunckel asked if the portions that would be paved or grassed and have pedestrian walkways, would have "no parking signs". Mr. Mastriana said yes. Mr. Mastriana stated that they want to limit the parking spaces to (currently) 15 which closed at 8:00 p.m.

MOTION BY TONY IRVINE TO RECOMMEND THAT THE APPLICANT COME UP WITH A DESIGN CONCEPT FOR A STREET CLOSURE TO MODIFY TRAFFIC PATTERNS AND FOLLOW THROUGH THE CITY PROCESS OF STREET CLOSURE ORDINANCE IN GETTING PUBLIC MEETINGS AND PUBLIC INPUT. NO SECOND.

Bob Dunckel stated that this item should be brought back to the PROW Committee due to the parking, getting NCIP input, and the road closure process not including the parking lot.

MOTION BY TONY IRVINE TO DIRECT THE PROPONENTS TO COME UP WITH A CONCEPTUAL DESIGN THAT WOULD INCORPORATE THE PROPOSED MODIFICATION OF USE/THE RESTRICTIONS OF USE AND THE PARKING PLAN TO BE CONSIDERED TOGETHER AS ONE, AND TO GET REPRESENTATIVES OF THE NCIP PROGRAM TOGETHER AND MAKE ONE PRESENTATION TO THE COMMITTEE. SECONDED BY BOB DUNCKEL.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: TEMPORARY USE OF RIGHT-OF-WAY - NE 34th STREET AND NE 32 AVENUE

Address or General Location: west side of NE 32 Avenue, on the Intacoastal Waterway

Victor Volpi introduced item stating that at its meeting in January, the Property and Right-of-Way Committee recommended that the developer use portions of the right-of-way of N.E. 34th Street and

PROPERTY AND RIGHT-OF-WAY COMMITTEE

February 17, 2005

Page 8

N.E. 32nd Avenue temporarily for construction of the building. He stated that they would like your review again and this time, they are hopeful that you will recommend the placing of a field trailer and man and material hoist in the right-of-way for 18 months. Victor Volpi introduced Robert Lochrie.

Mr. Lochrie stated that a few months ago, the PROW Committee approved the temporary closing of the street with a fence subject to various requirements. Mr. Lochrie stated that they would like to place a trailer on the far east side of the street, outside of any utilities. Mr. Lochrie stated that the central trailer would be on a portion of the right-of-way on the northeast and that the trailer would not have any impact on the City.

Discussion followed as to the location of the trailer, rerouting traffic in the area, gate remaining closed at night for the duration of the construction, fencing, not allowing storage of materials or permanent structures.

Bob Dunckel stated that he and Kathy Connor were the two descending votes at the last meeting. He said that they were opposed to using the public right-of-way as a staging area. He said that he had a conversation with Harry Stewart who also agreed that the public right-of-way should not be used as a staging area. Bob Dunckel stated that he would have to vote against putting a trailer in the right-of-way.

Mr. Lochrie said that the full closure would going to the City Commission in March and understood the Committee was against placing the trailer in there, therefore they would withdraw their request.

Meeting adjourned at 12:30 p.m.